

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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APOLLO GLOBAL MANAGEMENT, INC.,
APOLLO MANAGEMENT, L.P.,
APOLLO ADVISORS VIII, L.P., and
APOLLO ADVISORS IX, L.P.,

Case No. 1:20-cv-00864-GBD

Plaintiffs,

- against -

STEPHEN CERNICH, and
HUAN TSENG,

Defendants.

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**STIPULATION OF
DISMISSAL WITHOUT PREJUDICE**

WHEREAS, Plaintiffs Apollo Global Management, Inc., Apollo Management, L.P., Apollo Advisors VIII, L.P., and Apollo Advisors IX, L.P. (collectively, "Plaintiffs") commenced the above-captioned action on January 31, 2020 through the filing of a Complaint (Dkt. No. 1);

WHEREAS, on April 17, 2020, Defendants Stephen Cernich and Huan Tseng (collectively, "Defendants") filed a Motion to Dismiss the Complaint asserting, in part, that this Court did not have subject matter jurisdiction on account of a lack of diversity among the parties;

WHEREAS, the time for Plaintiffs to respond to Defendants' motion is still pending;

**NOW THEREFORE, IT IS HEREBY AGREED AND STIPULATED BY
PLAINTIFFS AND DEFENDANTS THAT:**

1. This action shall be dismissed pursuant to this Court's Order entering this Stipulation on the basis of lack of complete diversity jurisdiction, without prejudice to Plaintiffs' right to commence a new action in state court pursuant to the authority of Section 205 of the CPLR.



Apollo agrees not to re-file its claims or any other claim arising out of the same transactions and events against Defendants in federal court.

2. The dismissal of the above-captioned action is without prejudice to any rights, claims, or defenses that Plaintiffs or Defendants may have (and for avoidance of doubt, Defendants' defense of lack of personal jurisdiction is expressly preserved).

3. Both parties shall bear their own costs, but Defendants do so without prejudice to their ability to seek or recover any of the costs incurred in connection with the above-captioned action from any third-party.

Dated: June 17, 2020

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

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IT IS SO ORDERED by this Court, this 18 day of June, 2020.

JUN 18 2020

Hon. George B. Daniels

